

AUG-07-1997 09:57

FROM

TO

170330890511479

P.01

1479

#11

BRYAN, HINSHAW, COHEN & BARNET

**425 California Street, Suite 900
San Francisco, California 94104
(415) 296-0800
FAX (415) 296-0812**

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AUG 7 1997

GROUP 2600

OFFICIAL

TO: Ahmad Matar
Patent Examiner
Group Art Unit 2601

FAX: (703) 308-9051

Date: August 6, 1997

NO. OF PAGES: 11
(INCLUDING COVER SHEET)

FROM: John P. Sutton, Esq.

CASE: Application no. 08/798,115
Alleman
Interactive Telephone System...

SPECIAL INSTRUCTIONS/COMMENTS:

This acknowledges our discussion on August 5, 1997, in which you requested a copy of the Exhibits 1 through 5 attached to the Declaration of James H. Alleman dated March 11, 1997. Please call if there is anything further that I can do to advance the prosecution of this case.

**PLEASE CALL OUR OFFICES AT (415) 296-0800
WITH ANY QUESTIONS OR PROBLEMS.**

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BRYAN, HINSHAW, COHEN & BARNET
425 California Street, Suite 900
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TO: Examiner Matar
FROM: John P Sutton
CASE: _____

FAX: 703 308 5403
DATE: AUG 28 1997
NO. OF PAGES: 1 13
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TIME: 10:00 am PST

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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

PARAGON SYSTEMS
INTERNATIONAL, INC.

Application for authority to operate
as an international resale carrier.

File No. I-T-C-90-074

ORDER, AUTHORIZATION AND CERTIFICATE

Adopted: June 6, 1990;

Released: June 13, 1990

By the Chief, International Facilities Division

1. The above-captioned application, filed on March 13, 1990 by Paragon Systems International, Inc. (PSI), requests authority pursuant to Section 214 of the Communications Act of 1934, as amended, to resell the switched message telephone services of existing common carriers to provide international switched voice service between the U.S. and various overseas points. The application was placed on public notice on March 21, 1990. No comments were received.

2. The applicant is a start-up company which proposes to resell international switched voice services in competition with other common carriers already providing resale of such services. PSI has filed information required by Section 63.01 of the Commission's Rules. In authorizations of new entrants over the past decade, the Commission has recognized that increased competition in international markets is beneficial.¹ We find that the market will support additional carriers and that the added competition will be in the public interest.²

3. For the foregoing reasons, IT IS CERTIFIED that the present and future public convenience and necessity require the provision of international switched voice services to the general public by PSI.

4. Accordingly, IT IS ORDERED that application File No. I-T-C-90-074, IS GRANTED, and PSI is authorized to provide international switched voice services by the resale of the international switched voice services set forth in AT&T's Tariff F.C.C. No. 1 and 2, MCI's Tariff F.C.C. No. 1, US Sprint's Tariffs F.C.C. Nos. 1 and 2 and Allnet's Tariff F.C.C. No. 1, between the United States and the points listed in those tariffs.

5. Copies of any operating agreements entered into between the applicant and its correspondents shall be filed with the Commission within 30 days of their execution.

6. IT IS FURTHER ORDERED that the applicant shall file a tariff pursuant to Section 203 of the Communications Act, 47 U.S.C. Section 203, and Part 61 of the Commission's Rules, 47 C.F.R. Part 61, for the services authorized in this Order.

7. IT IS FURTHER ORDERED that the applicant shall file the annual reports of overseas telecommunications traffic required by Section 43.61 of the Commission's Rules, 47 C.F.R. 43.61 (October 1, 1989).

8. This order is issued under Section 0.291 of the Commission's Rules and is effective upon release. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.113 of the Commission's Rules may be filed within 30 days of public notice of this order (see Section 1.4(b)(3)).

FEDERAL COMMUNICATIONS COMMISSION

George S. Li
Chief, International Facilities Division
Common Carrier Bureau

FOOTNOTES

¹ See, e.g., the cases cited in the Teltec Saving Communications Co. File No. I-T-C-86-062, Mimeo No. 3548, (released April 2, 1989) at n.2.

² FCC v. RCA Communications, Inc., 346 U.S. 80 (1953); Mackay Radio and Telegraph Co., 33 FCC 231 (1960).

EXHIBIT

1.



June 27, 1990

Jim Gunther
GTE
4500 Fuller Drive, F03A25
Irving, Texas 75015-2092

Dear Jim,

The attached note gives more specifications on "the router" and the functionality it should have. Thus far, it seems to work fine on calling back and on the cross connect. The release of the second line, however, is sometimes a problem. It may only be on the two lines I am using, which have custom calling features. I will continue to monitor this on outside calls. I think there is a function that allows the system to hang up.

In addition, I am enclosing my versions of PKARC and PKXARC and Procom, although your system seems to handle the transfer quite adequately. We now need to move forward on the DID software. I have written this up as a separate section.

Things are moving forward quickly.

Warm regards,


Jim

JA/gh

Attachments

P.S. I've also included an earlier software write-up. Most of this seems to be in your program already.

✓ disk was sent

EXHIBIT

2.

DID's 6 line support Functionality

The DID software should initially support 1 DID trunk, terminating in one of the D4x boards. Twenty (20) to one-hundred (100) Did numbers should be handled.

Then, the phone list (phone.lst) would provide the support for this number of DID's. Initially, PSI will have six (6) lines in service, outgoing. (They are 342-5206, 341-0198, 345-0294, 342-5228, 341-0173 and 345-0181). The last two numbers are the last ones the program should call--they are the ones I use at home.

This will allow the test of the system with several customers and estimate the need for T1 carriers and get a better sense of the demands on the system.

The Router Functionality

In addition to the call back and connection features, the router should have a variety of functionalities that the software currently does not provide.

- 1) Automatic redial on the first call if a failure occurs. The 3rd or 4th attempt should be on an ATT override, i.e. 10288 followed by the appropriate digits.
- 2) Pressing the star twice (**) should disconnect the current call and allow the user to make another call. (This avoids an accidental disconnect.)
- 3) A voice warning to the user that too many or too few digits have been dialed or if a time-out occurs.
- 4) A warning to the user that the time-out is about to occur and will terminate the call. The user could start over by pressing star twice (**).
- 5) The search to find the first open pair to return calls (Is this functionality already there?).

More items can be added to this list, but these are the priorities.

Long Term Considerations

Proposed Additional Functionality of the Router Software and Hardware.

In addition, the Router software and hardware should be capable of handling fax services, providing electronic mail boxes and storing forward mail boxes and Telex services via the PSI network. This would be quite useful to individuals here in different time zones.

6-27-90

Software Functionality

1. Recognize the existence of an incoming call to a specific line or DID number.
2. Determine if it rings more than one time. If so, begin the initiation of a call to the identified caller.
3. If the call rings longer than five (5) rings, terminate the call initiated in 2, above.
4. Determine if the call initiated in 2 above is ringing at the destination, trunk busy or "cannot call at this time."
5. Re-initiate the call if it is not ringing at the destination and continue to re-initiate the call until it rings at the destination (i.e. repeat 4) or until fifteen minutes has passed.
6. Listen for an answer to the call. Upon detection of answer, give voice response "Please dial now and terminate with *."
7. Listen for digits dialed and *. Have a time-out function if no digits are dialed in two (2) minutes or no activity on line.
8. Listen for action on line and **.
9. Upon detection of ** sign, offer voice response to initiate the next call.
10. Repeat 7, 8, and 9 until on hook or ** sign is detected. (Time-out function of 7 is fall back.)
11. If on line detected, hand up and prepare for next calls.
12. Match caller (on first line) and calls on second line i.e. callers I.D., time of day, date, the number(s) called, and minutes called.
13. Off load data captured in 12 at specified intervals: use one (1) hour initially.

6-27-90

HEADQUARTERS OFFICE
2301 North 117th Avenue
Omaha, NE 68164
Tel: (402) 498-3000 Fax: (402) 498-7900

CALL INTERACTIVE

A joint venture of American Express Information Services Corporation and AT&T.

Schwagman, Lundberg &
Woessner, P.A.

October 15, 1990

SEP 06 1994

RECEIVED

Mr. James Alleman
Acting CEO
Paragon Services International, Inc.
405 South 16th Street, Suite 1401
Omaha, NE 68102-2614

Dear Jim:

In connection with a prospective business relationship between Call Interactive and Paragon, our discussions will involve information which Call Interactive or Paragon considers confidential, proprietary and/or sensitive ("CONFIDENTIAL INFORMATION").

Each of Call Interactive and Paragon agrees to keep confidential and to use solely for purposes of these discussions and related presentation material of October 15, 1990, any Confidential Information provided to it by the other (the "Providing Party") in connection with these discussions including PSI's Business Plan, slides and related material used in PSI's presentation of October 15, 1990. As used herein, "Confidential Information" shall mean any non-public, confidential proprietary information provided by the Providing Party to the other (the "Receiving Party") relating to this Agreement, the services to be rendered hereunder or the transactions contemplated hereby, including without limitation, pricing and material terms and conditions of these discussions and any Supplement, intellectual property, enabling software, programming and the computer based interactive system developed by Call Interactive (the "System"), except that Confidential Information does not include any information that

- (i) is required by law to be disclosed;
- (ii) that is provided orally, unless prior to the communication of such information, the Receiving Party is advised that it is non-public, proprietary and confidential and has agreed to accept such information, and within 30 days after the day on which first communicated it is designated as Confidential Information in writing by the Providing party (and the parties agree in writing that such writing accurately represents the previous oral disclosure);
- (iii) was available to the Receiving Party, or its directors, agents, employees or representative, prior to its disclosure to the Receiving Party by the Providing Party.



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EXHIBIT

3.

- (iv) was known or becomes generally available to the public or to competitors of the parties hereto other than as a result of disclosure by the Receiving Party;
- (v) becomes available to the Receiving Party, or its directors, agents, employees or representatives, from a source other than the Providing Party or its representatives which source was not subject to any non-disclosure obligations to the providing Party with respect to such information;
- (vi) was independently developed (and substantiated in writing as such) by the Receiving Party.

Subject to (ii) above, any Confidential Information furnished by the Providing Party must be in written and/or other tangible form, will be identified to the Receiving Party at the time of its disclosure and will be clearly marked with a legend which indicates its confidential and proprietary nature. Each of the parties hereto agrees that the Confidential Information will not be used by it in any way other than in connection with these discussions, and that Confidential Information will be kept confidential by such party and its employees and authorized representatives (to whom such Confidential Information may be disclosed only on a need-to-know basis), and shall not, except as hereinafter provided, be disclosed by such party or its directors, agents, employees or representative without the written consent of the other party. Each of Call Interactive and Paragon agrees that Confidential Information may be disclosed without the written consent of the other party on a need-to-know basis but confidential to the common carrier or billing series is replaced by "services" provider in connection with the approvals required by the them in connection with a program of Paragon.

In the event that Paragon Call or Interactive is requested or required by government compulsion (by oral questions, interrogatories, requests for information or document, subpoena, civil investigative demand or similar process) to disclose any Confidential Information, such party agrees to provide prompt notice to the providing party so that the Providing Party may seek a protective order to take other appropriate action. It is further agreed that in, in the absence of a protective order or the receipt of a waiver hereunder, the Receiving party is nonetheless, in the opinion of its counsel, compelled to disclose the Confidential Information to any tribunal or in any proceeding or else stand liable for contempt or suffer other censure or penalty, the Receiving party may disclose such Confidential Information to such tribunal or in such proceeding without liability hereunder but will take all step to assist the providing Party in obtaining confidential treatment thereof.

All Confidential Information shall remain the property of the Providing Party and not be used by the receiving party in any manner what so ever without prior written consent of the providing party. Confidential information shall be returned to the Providing Party upon its request or upon the Receiving Party's determination that it no longer has a need for such Confidential Information.

Each of Call Interactive and Paragon agrees that if there is a breach of threatened breach of this Agreement, money damages would not be sufficient remedy, and that the providing party shall be entitled to appropriate injunctive or other equitable relief as a remedy for any such breach or threatened breach.

Nothing herein shall be construed as prohibiting the Providing Party from pursuing any other remedies for such breach or threatened breach.

This agreement shall be governed by the laws of the State of New York, without regard to conflicts of laws principles.

This agreement may only be amended in writing by both parties.

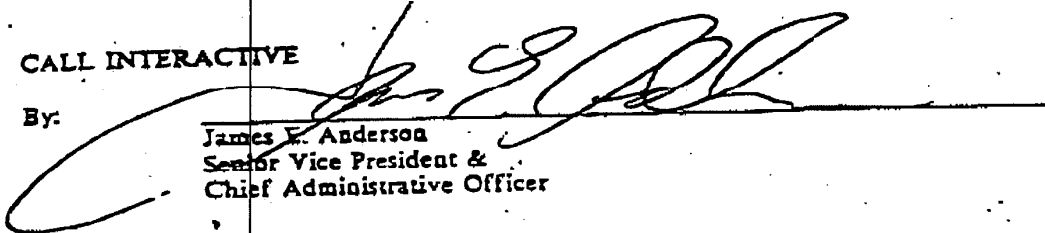
Please acknowledge your agreement with the foregoing by signing a copy of this letter in the space provided and returning it to the undersigned.

We look forward to working with you toward a mutually beneficial relationship.

Very truly yours,

CALL INTERACTIVE

By:


James W. Anderson
Senior Vice President &
Chief Administrative Officer

Accepted and Agreed to:

By:


James Allenman
Acting CEO

CII

CALL INTERACTIVE

A joint venture of American Express Information Services Corporation and AT&T.

HEADQUARTERS OFFICE:
2301 North 117th Avenue
Omaha, NE 68164
Tel: (402) 495-7000 Fax: (402) 493-7900

March 6, 1991

James E. Anderson
Senior Vice President and
Chief Administrative Officer

Jim Alleman
Paragon Services
International, Inc.
405 South 16th., Suite 1401
Omaha, NE 68102-2614


Dear Jim:

We are very pleased that negotiations have been successfully completed between our two companies. We look forward to a long and rewarding relationship.

Our technical team is moving ahead full speed with the development of the service and we appear to be on schedule for our turn-up on April 25, 1991.

Again, welcome to Call Interactive.

Sincerely,


James E. Anderson
Sr. Vice President/
Chief Administrative Officer

JEA/jh



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EXHIBIT

4.

CU University of Colo.

Foundation, Inc.

Foundation, Inc.
1000 University Avenue
Bldg. 200
Boulder, Colorado 80504
(303) 440-1111

March 29, 1991

Dr. James Alleman
Paragon Services International, Inc. (PSI, Inc.)
405 S. 16th St., Suite 1401
Omaha, NE 68102

RE: System for Telecommunication Marketing

Dear Jim:

This will verify our conversations on March 21 concerning the protection and licensing of the above referenced invention disclosure which you discovered and reduced to practice on your own time and through the efforts of PSI, Inc., a company basically owned by you.

You have advised that you will join the University as a member of its faculty in August as an Associate Professor in the Interdisciplinary Telecommunications program where you anticipate further work will be done on your discovery. You would like the University and your department to participate in the fruits of commercial exploitation, but believe that the existing royalty sharing formula would not be entirely fair to you because of your earlier inventorship and development.

I agree and upon your formal disclosure of the invention to me, I would be willing to seek protection and licensing at Foundation expense. If it is commercially exploited, I would seek to fully reimburse the Foundation for its out-of-pocket patenting and licensing expenses, and I would distribute the remainder 50% to PSI, Inc. with the other 50% being divided in thirds between your research account, your department, and the remaining one-third to the Foundation/University.

If this meets with your approval please signify below and return this letter to me, retaining a copy for your file. The disclosure form which I gave you should be sent to me but please feel at liberty to communicate directly with Earl C. Hancock, Esq., who the Foundation will retain in this matter.

Sincerely,

John P. Holloway
John P. Holloway
Patent Officer

I accept and approve of this distribution specified above.

PARAGON SERVICES
INTERNATIONAL, INC.

By:

James Alleman
James Alleman, Ph.D.
for the company and on behalf of himself

JPH/prub

cc: Earl C. Hancock, Esq.

EXHIBIT

5

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